

Legal Assistance Resource Center

❖ of Connecticut, Inc. ❖

44 Capitol Avenue, Suite 301 ❖ Hartford, Connecticut 06106
(860) 278-5688 x203 ❖ cell (860) 836-6355 ❖ fax (860) 278-2957 ❖ RPodolsky@LARCC.org

H.B. 6495 -- Revisions to the motor vehicle statutes

Transportation Committee public hearing -- March 8, 2013

Testimony of Raphael L. Podolsky

Recommended Committee action: MODIFICATION OF SELECTED SECTIONS
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This bill makes a variety of changes in the motor vehicle statutes. In general, WE **SUPPORT THE BILL**. However, we **OPPOSE** Section 26 of the bill in its present form; and there are several other sections that we ask the Committee to review before taking final action.

- DMV investigation of complaints (Sec. 26): **WE OPPOSE** the change from "shall" to "may" in I. 915 and I. 917 and ask the Committee to restore the word "shall." Existing law requires DMV to attempt to mediate consumer complaints. We do not object to the part of I. 915-197 that makes clear that DMV need not make such an attempt for complaints that do not involve violations of law related to the licensee's business. For those complaints that are related, however, Section 26 makes complaint mediation discretionary by DMV rather than mandatory. A refusal by the Department to try to resolve a complaint against a licensee forces the complainant either to bring a lawsuit or to give up and live with the situation. We believe that the requirement to attempt to mediate should be preserved.

We do not oppose the following sections but think that more information about them would be helpful.

- Consignment sales (Sec. 23): The bill prohibits dealers and repairers from selling a motor vehicle on consignment or acting as a broker.
- Delivery of a used vehicle prior to payment (Sec. 25): Lines 894-900 of the bill provide that no dealer or repairer may "deliver" a used motor vehicle or permit a retail buyer to "take possession or delivery" of such a vehicle until either (1) the buyer has paid in full or (2) "financing offered by the dealer" has been approved by the lender. Is it clear that this language does not prevent the release of a vehicle to a consumer for a test drive or a mechanic's inspection? How does this provision apply to financing that is not "offered by the dealer" but rather is obtained independent of the dealer?
- Wrecker licensing (Sec. 28). This section allows towing companies to operate without a dealer or repairer license if they do not offer direct towing to the public or engage in non-consensual tows. How does this change apply to tows arranged for a consumer by the consumer's insurance company?